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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SMC 60552/WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04023	International filing date (day/month/year) 19.09.2003	Priority date (day/month/year) 12.10.2002
International Patent Classification (IPC) or both national classification and IPC C09D11/00		
Applicant AVECIA LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 01.04.2004	Date of completion of this report 27.09.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Kaul-Buchberger, E Telephone No. +49 89 2399-8296 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/04023

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-11 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
Citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4-6
	No: Claims	1-3,7-11
Inventive step (IS)	Yes: Claims	
	No: Claims	4-6
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:
D1 = WO-A-9967334
- 2.1. The document **D1** is regarded as being the closest prior art to the subject-matter of independent claims 1, 2, and 9-11 and shows (the references in parentheses applying to this document) (claim 1, example 1) an ink for ink jet printing comprising a fluid medium and a colorant comprising a compound of Formula (1) of D1, wherein x is from 1.2 to 3.8. Furthermore, said document discloses (claims 4 and 5 and page 9, lines 20-21) a process for printing an image on a substrate (e.g. paper, plastic, a textile, metal, glass,..) and a substrate where an ink has been applied on. In ink jet printers the ink is placed in an ink jet printer cartridge (page 9, lines 9-16).
- 2.2. The combination of example 1 with the "list" of claim 1 leads to the compounds of claims 1-3, 7 and 8.
Therefore, the subject-matter of claims 1-3 and 7-11 lacks novelty in view D1.
- 2.3. The subject-matter of claim 4 differs from the disclosure of D1 in that x is less than 1.2.
- 3.1. In the examples not only x (the distinguishing feature) has been changed in the examples according to the application and the comparative examples, but also y and z. Therefore, said examples do not represent a fair comparison, since it is not clear which influence the other indices have on the properties (e.g. the ozone fastness) of the ink.
- 3.2. The problem to be solved by the present invention can only be regarded as to provide a further ink jet ink.
- 3.2. One obvious manner to solve the aforementioned problem starting from D1 is e.g. to vary the index x.
- 3.3. Therefore, the subject-matter of claims 4-6 does not meet the requirements of

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Article 33(3) PCT.

4. The Applicant is requested to submit the document wherein the compound of the last formula of claim 1 is disclosed.
5. For all claims (1-11) industrial applicability is acknowledged.
6. Certain published documents (Rule 70.10)

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
EP-A-1254932	06.11.02	29.04.02	04.05.01